

DEKALB POLICE DEPARTMENT

Subject: **Automated License Plate Reader Program**

Policy#: **406.12**

Effective Since: 9-1-22

Revision Effective: NA

Reference Material: NA

ILEAP Standards Covered: NA

Originally Issued As: NA

FTO Training Task: NA

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PURPOSE: The purpose of this policy is to establish the procedures for the appropriate and authorized use of Automated License Plate Readers (ALPR) and the data that are collected by these devices and made available for law enforcement use.

POLICY: The DeKalb Police Department has identified ALPR technology as beneficial for investigative purposes. The department's policy is to utilize ALPR only for official law enforcement operations. The ALPR scans and identifies only vehicles and license plates, not the identity of persons. ALPR devices do not employ facial recognition software. The ALPR does not detect nor enforce traffic violations as to how the vehicle is being operated. The ALPR provides alerts to authorized law enforcement users only about vehicles potentially related to matters of homeland security, officer and community safety, wanted persons, missing persons, drivers and vehicles with suspended or revoked registrations or licenses, and other investigative law enforcement purposes.

DEFINITIONS :

Automated License Plate Reader (ALPR): A system consisting of a camera and related equipment that automatically and without direct human control locates, focuses on and photographs vehicles and license plates that come into range of the device. The ALPR devices capture images of a vehicle's license plate, transform that image into alphanumeric characters, compare the plate number to official local, state and federal database records, and deliver alerts to authorized law enforcement users when a license plate of interest has been detected.

Authorized User : An employee of a law enforcement agency who has been authorized to operate an ALPR, or to access and use ALPR stored data, and who has successfully completed the Law Enforcement Agencies Data System (LEADS) training and training provided by the agency on the agency's ALPR policy.

"Be on the Lookout " (BOLO) Situation : A determination by a law enforcement agency that there is a legitimate and specific law enforcement reason to identify or locate a particular vehicle or ascertain the past location(s) of a particular vehicle.

BOLO List: A compilation of one or more license plates, or partial license plates, of a vehicle or vehicles for which a BOLO situation exists that is programmed into an ALPR so that the device will alert if it captures the image of a license plate that matches a license plate included on the BOLO List.

Alert Data : Information captured by an ALPR relating to a license plate that matches the license plate on a BOLO List.

Immediate Alert: An alert that occurs when a scanned license plate matches the license plate on an initial BOLO List and that is reported to an authorized user by means of an audible signal or by any other means, at or about the time that the subject vehicle was encountered by the ALPR.

Non-encounter Alert : An immediate alert where an authorized user is instructed to notify the agency that issued the non-encounter BOLO about the reported location of the vehicle, without initiating an investigative detention of the subject vehicle or otherwise revealing to the occupant(s) of that vehicle that its location has been detected.

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Crime Scene Query: The process of accessing and reviewing stored ALPR data that had been originally scanned in the vicinity of a reported criminal event for the purpose of identifying vehicles or persons that might be associated with the specific criminal event.

PROCEDURES:

I. Objectives for Using an ALPR

- A. To ensure that BOLO Lists that are programmed into the internal memory of an ALPR or that are compared against pertinent databases are comprised only of license plates that are associated with specific vehicles or persons for which or whom there is a legitimate and documented law enforcement reason to identify and locate, or to determine the subject vehicle's past location(s) through the analysis of stored ALPR data.
- B. To ensure that data that are captured by an ALPR can only be accessed by appropriate law enforcement personnel and can only be used for legitimate, specified and documented law enforcement purposes.
- C. To permit a thorough analysis of stored ALPR data to detect crime while safeguarding the personal privacy rights of motorists by ensuring that the analysis of stored ALPR data is not used as a means to disclose personal identifying information about an individual unless there is a legitimate and documented law enforcement reason for disclosing such personal information to a law enforcement officer or civilian crime analyst employed by law enforcement.

II. Criteria for BOLO Notifications

- A. A license plate number or partial license plate number shall not be included in a BOLO List unless there is a legitimate and specific law enforcement reason to identify or locate that particular vehicle, or any person(s) who are reasonably believed to be associated with that vehicle.
- B. All state LEADS requirements for confidentiality and restrictions on sharing data must be followed. See Policy 302.2, LEADS Message System.
- C. A license plate or partial license plate number shall not be included in a post-scan BOLO List unless there is a legitimate and specific law enforcement reason to ascertain the past location(s) of that particular vehicle, or of any person(s) who are reasonably believed to be associated with that vehicle.
- D. Examples of legitimate and specific law enforcement reasons include but are not limited to:
 - 1. Persons:
 - a. Subject to an outstanding arrest warrant

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- b. Missing persons
 - c. Amber & Silver Alerts for missing children or elderly persons
 - d. Registered owners who have revoked or suspended driver's licenses
 - e. Persons wanted by a law enforcement agency who are of interest in a specific investigation
 - f. Persons who are on a watch list issued by a state or federal agency responsible for homeland security
- 2. Vehicles:
 - a. Vehicles reported as stolen
 - b. Vehicles that are reasonably believed to be involved in the commission of a crime
 - c. Stolen, suspended, or revoked license plate registrations
- E. When an officer receives an immediate alert, the officer shall take such action in response to the alert as is appropriate for the circumstances.
- F. An officer should make a reasonable effort to confirm that a wanted person is actually in the vehicle before the vehicle is stopped.
- G. An officer reacting to an immediate alert shall consult the database to determine the reason why the vehicle had been placed on the BOLO list and whether the alert has been designated as a non-encounter alert.
- H. In the event of a non-encounter alert, the officer shall follow any instructions included in the alert for notifying the law enforcement or homeland security agency that had placed the BOLO.

III. Access and Use of Stored ALPR Data

- A. An authorized user may access and use stored alert data as part of an active investigation or for any other legitimate law enforcement purpose including, but not limited to, a post-scan BOLO query or a crime scene query.
- B. ALPR data obtained in conformance with this directive can be accessed and used by this agency and may be shared with and provided to any other law enforcement agency for legitimate law enforcement purposes.
- C. All stored ALPR data, whether it be on the vendor's server or department server, shall be stored for a time period not to exceed one year and thereafter will be purged unless it has become, or reasonably believed it will become, evidence in a criminal or civil proceeding, or is subject to a lawful request to produce records. In evidentiary circumstances, applicable data will be placed into Evidence, following department procedures.
- D. Department members shall not purge any ALPR information stored on department servers unless explicitly authorized and in compliance with this policy.
- E. The time period for retention of LEADS files shall comply with LEADS protocols and the Local Government Records Act (50 ILCS 205).

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- F. Stored ALPR data are considered criminal investigatory records and shall not be shared with or provided to any person, entity, or government agency, other than a law enforcement agency, unless such disclosure is authorized by a subpoena or court order, or unless such disclosure is required by rules of the court governing discovery in criminal matters. The department assumes no responsibility nor liability for the acts or omissions of other agencies.

Policy becomes effective on 9-1-22 by authority of the Chief of Police .

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.